

IN THE SENATE OF THE UNITED STATES.

MARCH 17, 1880.—Ordered to be printed.

MR. JONES, of Florida, from the Committee on Public Lands, submitted the following

REPORT:

[To accompany bill S. 666.]

The Committee on Public Lands, to whom was referred the bill (S. 666) "relating to the public lands of the United States," having carefully examined the provisions thereof, respectfully report the same back with an amendment in the nature of a substitute therefor, and unanimously recommend its passage.

It is evident that, from ignorance of the law, carelessness, and under implied and express license from the United States Government, many trespasses have been committed on the public lands, and that no account has been made thereof or attention paid thereto by the government until since the incoming of the present administration, when the policy of preventing trespass on the government lands was adopted, and notice thereof given by the institution of many suits for past trespasses and offenses. In many of these cases the officers and agents of the government had assumed to settle with the trespassers at an agreed rate for "stumpage," and the trespassers paid the rate thus demanded. It is true that such officers or agents had no authority in law to make such settlements, but it is equally true that the trespassers, if such they can be called under the circumstances, were entirely ignorant of that fact. The government, by so long maintaining silence, thus gave an implied license to cut timber from public lands. In the prosecution of these suits the rule of law has been followed, that the damages to which the government was entitled is the highest value of the timber at any time up to the commencement of the action. This rule of law, while it permits the government to reap the benefit of all the labor expended on the material taken, operates as a great hardship on innocent purchasers of such material. It is true that in some cases the real offenders should be punished, but the great hardships suffered by so many innocent parties demand such relief as this bill affords. The bill provides that suits growing out of trespasses on the public lands shall be dismissed only after the lands trespassed upon shall have been paid for in full and all costs of suit, of any kind or nature, shall have been paid by the defendants. In some portions of the country these suits were not brought until the winter of 1878 and 1879. The substitute herewith reported provides that the provisions thereof shall not apply to trespasses committed after March 1, 1879. At that date it is believed fair warning had been given to all persons in every section of the Union of the policy intended to be pursued by the government, and trespassers having such warning are not entitled to, and do not receive, the benefit of this act. The law

passed by the Forty-fifth Congress relative to trespass in the States of California, Oregon, Nevada, and Washington Territory, provides that not only past offenses of this nature may be settled as prescribed by said law, but that parties continuing to trespass may settle by paying the price of the land, thus giving in those States a license to trespass at any time in the future. This bill is better guarded, as its provisions are restricted to a certain date for past offenses. The bill provides for the reduction of the lands which have been open to private entry for more than years, at the price of \$2.50 per acre to \$1.25 per acre. As far back as 1820 the policy was adopted of offering at private sale at \$1.25 per acre all lands not disposed of at the public sales provided by law. In 1856 still greater reductions were made in the price of lands for actual use, according to the length of time they had been in the market. Then the homestead system was adopted whereby lands are disposed of by the government at a merely nominal price. Lands that have been subject to entry more than years and have not been entered cannot be considered of that marketable value, and the price ought to be reduced.